

State of Wisconsin



1995 Assembly Bill 608

Date of enactment: **June 27, 1996**
Date of publication*: **July 10, 1996**

1995 WISCONSIN ACT 469

AN ACT *to renumber* 765.20; *to amend* 765.09 (3); and *to create* 765.20 (2) of the statutes; **relating to:** disclosure of certain information on marriage applications to law enforcement officers and requiring a change in the marriage application form.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1e. 765.09 (3) of the statutes is amended to read:

765.09 (3) Each party shall present satisfactory, documentary proof of identification and residence and shall swear (or affirm) to the application before the clerk who is to issue the marriage license or the person authorized to accept such applications in the county and state where the party resides. The application shall contain such informational items as the department of health and family services directs. The portion of the marriage application form that is collected for statistical purposes only shall indicate that the address of the marriage license applicant may be provided by a county clerk to a law enforcement officer under the conditions specified under s. 765.20 (2). Each applicant under 30 years of age shall exhibit to the clerk a certified copy of a birth certificate, and any applicants shall submit a copy of any judgments or a death certificate affecting the marital status. If such certificate or judgment is unobtainable, other satisfactory documentary proof of the requisite facts therein may be presented in lieu thereof. Whenever the clerk is not satisfied with the documentary proof presented, he or she shall submit the same, for an opinion as to the sufficiency of the proof, to a judge of a court of record in the county of application.

SECTION 1m. 765.20 of the statutes is renumbered 765.20 (1).

SECTION 2. 765.20 (2) of the statutes is created to read:

765.20 (2) A county clerk may provide the name of a marriage license applicant and, from the portion of the marriage application form that is collected for statistical purposes, as specified under sub. (1), may provide the address of the marriage license applicant to a law enforcement officer, as defined in s. 51.01 (11). A county clerk shall provide the name and, if it is available, the address, to a law enforcement officer who requests, in writing, the name and address for the performance of an investigation or the service of a warrant. If a county clerk has not destroyed the portion of the marriage license application form that is collected for statistical purposes, he or she shall keep the information on the portion confidential, except as authorized under this subsection. If a written request is made by a law enforcement officer under this subsection, the county clerk shall keep the request with the marriage license application form. If the county clerk destroys the marriage license application form, he or she shall also destroy the written request.

SECTION 3. Effective dates. This act takes effect on the day after publication, except as follows:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(1) The treatment of section 765.09 (3) of the statutes takes effect on October 1, 1996.
